

REMARKS

Entry of this amendment is respectfully requested.

Claims 17, 18, 22 and 29-30 were rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. It is not believed that these 35 U.S.C. §112, second paragraph, rejections apply to the presently pending claims.

Claims 16, 19-21 and 23 were rejected under 35 U.S.C. §102(b) for allegedly being unpatentable over Lailach. Applicants respectfully traverse.

Lailach, as its title suggests, relates to the agglomeration of titanium ores containing iron. Lailach discloses, in connection with this stated object, a process for the economic production of pellets or briquettes from titanium ores containing iron which are suitable for the reduction of oxidized iron contained therein by means of solid carbon-containing or gaseous reducing agents at temperature below the sintering temperature (column 1, line 33 to 40). Iron and/or titanium compounds and if desired, water-soluble organic polymers are used as binders. (Id.) Lailach states:

"[t]he problem of thoroughly mixing the ore and coke can be solved if the ore, for example by agglomeration, can be brought up to larger particle sizes than the coke. However, the commercial iron-containing titanium ores, especially the high-grade sandy ores from secondary deposits, are not suitable for granulating and pelletizing without a binder. Agglomeration using the reducing agent as a binder is usually not practicable since it is best to submit the ore before reduction to an oxidizing roast. In order to produce agglomerates containing carbon, the ore would have to be cooled after oxidation and after agglomeration heated up again to the reaction temperature." (col. 1, line 61 to col. 2, line 1).

Lailach suggest to overcome the aforementioned problem with "the production of agglomerated iron-containing ores....by admixing with said ore particles about 0.005 to 10% by

weight thereof of a water-soluble organic polymer" (See, e.g., Abstract, claims 1 and 5; underline added).

Claim 31 recites a process comprising adding inorganic solids to a hydrocarbon-containing plastic and introducing the resulting mixture into a liquid melt. The hydrocarbon-containing plastic is not restricted to any specific type. The Examiner notes that Lailach discloses a water soluble organic polymer, but fails to provide any evidence that Lailach discloses a hydrocarbon-containing plastic.

Furthermore, nowhere does Lailach disclose that a mixture of plastic and inorganic solid is added to a liquid melt as claimed. In fact, Lailach teaches that the water-soluble organic polymers are burnt off when roasted in an oxidizing atmosphere so that pure ore pellets are obtained. Thus, Lailach does not teach that a mixture of plastic and inorganic solids are added to a liquid melt, as it appears that Lailach's water soluble polymers are only present during the production of the pellets, but are burnt off therefrom before the pellets are used.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention. *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984). In other words, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Since, Lailach fails to disclose each and every limitation of the claimed process for reasons set forth above, the 35 U.S.C. §102(b) rejection must be withdrawn.

Claims 17-18, 22 and 24-30 were rejected under 35 U.S.C. §103(a) over Lailach. Applicants respectfully traverse.

Lailach fails to disclose or suggest each and every feature of the claims for reasons set forth above. Thus, the obviousness rejection of claims under 35 U.S.C. §103(a) cannot be maintained for reasons set forth above.

Claims 22 was rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Lailach in view of Buysch. Applicants respectfully traverse.

Buysch relates to a process for preparing diaryl carbonates by reaction of an aromatic hydroxyl compound (e.g. phenol) with carbon monoxide and oxygen at elevated temperature in the presence of a base, a quaternary salt, a catalyst and a cocatalyst, which is characterized in that it is carried out in the presence of a heterogeneous promoter. (col. 1, lines 5-10). Buysch's stated object is to "to find a catalyst system having high activity and high operating life which allows the preparation of aromatic carbonates under economical and industrially realizable conditions" (col. 1, lines 49 to 62). Buysch claims that the process is carried out in the additional presence of a heterogeneous promoter which is a compound of the formula



where

A and B are each, independently of one another, an element of group IIIA, IVA, VA, IIB, IVB, VB, VIB or VIIB of the Periodic Table of Elements (Mendeleev),

C represents an element of the 2nd period of the Periodic Table of the Elements (Mendeleev),

x is a number from 1 to 3,

y is a number from 0 to 3 and

z is a number from 1 to 12 (See Col. 2, lines 17 to 31 and claim 1).

Synthetic titanium oxides are mentioned.

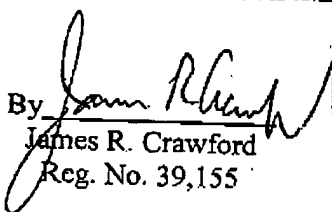
The selection of synthetic titanium oxides for a total different purpose alone is regarded as an invention. In any event, Buysch, which is cited by the examiner merely for disclosing synthetic titanium dioxides, does nothing to overcome the aforementioned deficiencies of Lailach. Thus, this rejection must also be withdrawn.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-DNAG-320-US.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By 
James R. Crawford
Reg. No. 39,155

666 Fifth Avenue
New York, New York 10103
(212) 318-3000